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December 20, 2002

Via Hand Delivery

RECEIVED

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

DEC 20 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: ***Ex Parte Presentation:***
IB Docket No. 01-185;
File No. SAT-ASG-20010302-00017 et al.;
File No. SES-ASG-20010116-00099 et al.

Dear Ms. Dortch:

Enclosed on behalf on Inmarsat Ventures plc is a summary of Inmarsat's position on the application of so-called "gating" criteria to possible terrestrial uses of the L-band. An original and five copies are enclosed.

Respectfully submitted,


John P. Janka

Chairman Michael K. Powell
Commissioner Kathleen W. Abemathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein
John Branscome
Samuel Feder
Paul Margie
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Bryan Tramont
Don Abelson
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Edmond Thomas

The Commission has inquired what “gating” requirements would be appropriate to ensure that terrestrial use remains truly ancillary, if the Commission were to authorize terrestrial use of the L-band

As an initial matter, Inmarsat reiterates its position that terrestrial services simply should not be authorized in the L-band because doing so would:

- cause harmful interference into, and disrupt service on, the Inmarsat satellite network
- undermine the provision of vital safety and other services to ships and planes, among other users
- restrict Inmarsat’s ability to provide a competitive MSS alternative within the US
- constrain the continued evolution of more efficient MSS satellite technology
- violate international spectrum coordination agreements concerning the L-band
- exacerbate an already severe shortage of L-band spectrum that is sorely needed for “real” MSS service
- disrupt the settled expectations of existing MSS systems and users, who have invested billions of dollars in reliance on existing US and international spectrum allocations

If the Commission nonetheless approves the concept of ATC at L-band, ATC service must be subject to appropriate and enforceable service rules that ensure that ATC does not cause more interference to other MSS systems than would be caused by an MSS-only service.

The Commission should establish, after a further rulemaking proceeding, clear and objective conditions precedent to be met by anyone seeking to provide ATC at L-band:

1. The L-band ATC proponent should be required to submit a detailed ATC network architecture that demonstrates compliance with ATC service rules. Such a showing should be placed on public notice for comment, before actually licensing L-band ATC operations.

2 L-band ATC proponents should be held to their commitments in the record to deploy an *integrated satellite/terrestrial* network, including the launch of new satellites designed to be integrated into an ATC network and the relegation of the existing satellite to in-orbit spares. See MSV Comments at 23-24; MSV’s March 2001 ATC Application at ii, 1, 6, 8 & Appendix A at 25. Such an integrated network should:

- Provide for mobile handsets to communicate through the terrestrial network only if a satellite signal is not available to that handset. No “terrestrial-only” handsets should be allowed to operate in the L-band.
- Not consume any more MSS spectrum than the network otherwise needs for satellite service. Any “excess” spectrum that an ATC provider does not need for satellite service should be made available for other satellite systems. MSS ATC use should not “count” to justify spectrum needs in any satellite coordination.

- o Have an effective means for measuring and monitoring the emissions from the ATC component of the network, and limiting the operations of the ATC component, to ensure compliance with ATC service rules and non-interference to other MSS systems.
3. L-band ATC service should not be provided unless and until, and should be allowed only during such time as, the associated satellite network is actually in operation and providing commercial service to 100% of the U.S. *See NPRM* at ¶ 42; Comments of MSV at 23.
 4. L-band ATC systems should be able to actually “retune” the frequencies used by the terrestrial network *to* take into account dynamic frequency reassignments that occur in the annual L-band frequency coordination process under existing US coordination agreements.
 5. L-band ATC systems should operate only on the same frequencies available for use by the associated satellite network for MSS service in the same geographic area.
 6. L-band ATC service should be truly ancillary — amounting to no more than 10-15% of the total traffic on the MSS system.
 7. L-band ATC operators should be required to centrally monitor and control ATC operations and allow other MSS operators access to those monitoring and control operations.